

**SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**JOE FOSS BUILDING  
523 EAST CAPITOL AVENUE  
PIERRE, SOUTH DAKOTA 57501-3181**

**SURFACE WATER DISCHARGE PERMIT  
AUTHORIZING DISCHARGE  
UNDER THE  
SOUTH DAKOTA SURFACE WATER DISCHARGE SYSTEM**

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD), Article 74:52,

the *Town of Bison*

is directed by the South Dakota Department of Environment and Natural Resources to have **no discharge** from its wastewater treatment facility located in the Southwest ¼ of Section 13, Township 18 North, Range 13 East, in Perkins County, South Dakota (Latitude 45.518528°, Longitude -102.476472°), in accordance with the requirements as contained in the provisions of this permit. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

This permit shall become effective April 1, 2011.

This permit shall expire at midnight, March 31, 2016.

Signed this 21<sup>st</sup> day of March, 2011:



Authorized Permitting Official

Steven M. Pirner  
Secretary  
Department of Environment and Natural Resources

Amended: <b>December 14, 2011</b> Effective:
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## DEFINITIONS

**ARSD** means the Administrative Rules of South Dakota.

**BOD<sub>5</sub>** means Five-Day Biochemical Oxygen Demand. BOD is a measurement of the amount of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a sample.

A **Bypass** is the intentional diversion of waste streams from any portion of a treatment facility. Bypasses do not include releases from the sanitary sewer collection system (see sanitary sewer overflow) or emergency releases from the treatment facility (see emergency release). Bypasses may result in a discharge or emergency release.

**Composite samples** shall be flow proportioned. The composite sample shall contain at least four samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

- a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
- b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
- c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
- d. Continuous collection of sample, with sample collection rate proportional to flow rate.

**Daily maximum (Daily Max.)** is the maximum value allowable in any single sample or instantaneous measurement.

**EPA or U.S. EPA** means United States Environmental Protection Agency.

An **Emergency release** is a discharge from the lower end of the treatment or containment system through a release structure or over or through retention dikes. An emergency release is distinguished from a sanitary sewer overflow in that a sanitary sewer overflow discharges wastewater prior to treatment or containment.

A **Grab** sample, for monitoring requirements, is a single "dip and take" sample collected at a representative point in the discharge stream.

An **Instantaneous measurement**, for monitoring requirements, is a single reading, observation, or measurement.

**MGD** is the measure of flow rate meaning million gallons per day.

**pH** is the measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.

A **Publicly-owned treatment works** or **POTW** is any device or system used in the treatment, including recycling and reclamation, of municipal sewage or industrial waste of a liquid nature which is owned by the state or a municipality. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

A **Sanitary sewer overflow** is the intentional or unintentional discharge of untreated sewage from the sanitary sewer collection system, including sewer lines, manholes, lift stations, etc.

**SDDENR** means the South Dakota Department of Environment and Natural Resources.

**Secretary** means the Secretary of the South Dakota Department of Environment and Natural Resources, or authorized representative.

**Severe property damage** is substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass or emergency release. Severe property damage does not mean economic loss caused by delays in production.

**Sewage sludge** is any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes but is not limited to solids removed during primary, secondary or advanced wastewater treatment, scum, septage, portable toilet pumpings, and sewage sludge products. Sewage sludge does not include grit, screenings, or ash generated during the incineration of sewage sludge.

**TSS** means **Total Suspended Solids**. TSS is a measure of the filterable solids present in a sample.

An **Unauthorized release** is a discharge from the lower end of the treatment or containment system through a release structure or over or through retention dikes that does not meet all permit conditions or effluent limits. An unauthorized release is distinguished from a sanitary sewer overflow in that a sanitary sewer overflow discharges wastewater prior to treatment or containment.

An **Upset** is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

## 1.0 EFFLUENT LIMITS AND MONITORING REQUIREMENTS

### 1.1 Description of Discharge Points

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under this permit is a violation of the South Dakota Water Pollution Control Act and could subject the person(s) responsible for such discharge to penalties under Section 34A-2-75 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from the permittee first learning of an unauthorized discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

Outfall Number	Description of Discharge Points
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001N	Any discharge to waters of the state from the wastewater treatment facility (Latitude 45.518528°, Longitude -102.476472°)
002N	Any discharge to waters of the state from the land application system or land application site (Latitude 45.515762°, Longitude -102.475177°). <b>The permittee shall not allow any discharge to occur from the land application site.</b>
002R	Land application of wastewater from the land application system to the land application site (Latitude 45.515762°, Longitude -102.475177°). <b>The permittee is not permitted to land apply wastewater.</b>

### 1.2 Effluent Limits

Effective immediately and lasting through the life of this permit, there shall be **no discharge** from the permittee's treatment facility except in accordance with the emergency release, bypass, or sanitary sewer overflow provisions of this permit. If an emergency release, bypass, sanitary sewer overflow, or other discharge occurs or is expected to occur, the permittee shall report the occurrence in accordance with Section 2.12 and take the appropriate measures to minimize the discharge of pollutants. Such measures may include the closing of facilities that contribute wastewater to the sewer system until the discharge is terminated.

The land application effluent limits have been removed from this permit due to a permit modification prohibiting land application of wastewater.

Knowingly discharging from an unauthorized location or failing to report a discharge within a reasonable time from the permittee first learning of a discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

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### 1.3 Self-Monitoring Requirements–Outfall 001N and 002N

Promptly upon discovery of a release, sanitary sewer overflow, runoff from the land application site, or other discharge, the discharge shall be monitored as shown below. The sample date and time shall also be recorded.

Effluent Characteristic	Frequency	Reporting Values <sup>1</sup>	Sample Type <sup>1</sup>
Total Flow, million gallons	Each discharge	Event Total <sup>2</sup>	Calculated
Duration of Discharge, days	Each discharge	Event Total <sup>2</sup>	Calculated
Flow Rate, (MGD)	At least three per discharge <sup>3</sup>	Actual Value	Instantaneous
pH, standard units	At least three per discharge <sup>3</sup>	Actual Value	Instantaneous <sup>4,5</sup>
Water Temperature, °C	At least three per discharge <sup>3</sup>	Actual Value	Instantaneous <sup>5,6</sup>
Total Suspended Solids (TSS), mg/L	At least three per discharge <sup>3</sup>	Actual Value	Grab
Five Day Biochemical Oxygen Demand (BOD <sub>5</sub> ), mg/L	At least three per discharge <sup>3</sup>	Actual Value	Grab
Ammonia-Nitrogen (as N), mg/L	At least three per discharge <sup>3</sup>	Actual Value	Grab <sup>5</sup>
<i>Escherichia coli</i> ( <i>E. coli</i> ), no./100 mL	At least three per discharge <sup>3</sup>	Actual Value	Grab

<sup>1</sup> See **Definitions**.

<sup>2</sup> Report the total for each separate event

<sup>3</sup> A minimum of three samples shall be taken during any discharge. A sample shall be taken at the beginning, middle, and end of the discharge if the discharge is less than one week in duration. If a single, continuous discharge is greater than one week in duration, three samples shall be taken the first week and one each following week. The permittee always has the option of collecting additional samples if appropriate.

<sup>4</sup> pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

<sup>5</sup> The pH and temperature of the effluent shall be determined when ammonia samples are collected.

<sup>6</sup> The water temperature of the effluent shall be taken as a field measurement. Measurement shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

The permittee shall report the monitoring results in accordance with Section 2.3.

**1.4 Self-Monitoring Requirements–Land Application (Outfall 002R)**

Land application self-monitoring requirements have been removed from the permit due to a permit modification prohibiting land application of wastewater.

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**1.5 Inspection Requirements–Wastewater Treatment Facility**

The permittee shall inspect its wastewater treatment facility and outfall on at least a **monthly** basis. The inspection shall be conducted to determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. In addition, the inspection shall be performed to determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility. The permittee shall maintain a notebook recording information obtained during the inspection. At a minimum, the notebook shall include the following:

- a. Date and time of the inspection;
- b. Name of the inspector(s);
- c. The facility's discharge status;
- d. The measured amount of pond depth or freeboard in each cell;
- e. Identification of operational problems and/or maintenance problems;
- f. Recommendations, as appropriate, to remedy identified problems;
- g. A brief description of any actions taken with regard to problems identified; and,
- h. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with proper record-keeping procedures and shall make the notebook available for inspection, upon request, by the Secretary or the U.S. Environmental Protection Agency.

**1.6 Inspection Requirements–Land Application**

Land application inspection requirements have been removed from the permit due to a permit modification prohibiting land application of wastewater.

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**1.7 Land Application Best Management Practices Plan**

The Best Management Practice Plan requirement has been removed due to a permit modification prohibiting the land application of wastewater. However, if the permittee decides to use land application of wastewater in the future, a Best Management Practices Plan will be required to be submitted either **prior to or along with** a permit modification request. The plan shall be prepared in accordance with *the South Dakota Recommended Design Criteria Manual for Wastewater Collection and Treatment Facilities, 1991*.

**1.8 Compliance Schedule**

The permittee shall achieve compliance with the effluent limits specified for discharges in accordance with the following schedule:

1. Hire a professional engineer licensed in the State of South Dakota to review the town's sanitary sewer system and identify source(s) of infiltration and inflow by: .....**October 1, 2011**
2. Complete and submit an inflow/infiltration study to SDDENR by:..... **September 1, 2012**
3. Submit a facility plan to SDDENR, identifying the steps the town will take to address sources of excess flow into the system and correct other identified causes of noncompliance by:.....**January 1, 2013**
4. Submit plans and specifications for system upgrades and modifications to SDDENR for review and approval by : .....**March 1, 2013**
5. Start construction of system upgrades, process modifications, or equipment acquisition, if necessary, by:.....**July 1, 2013**
6. Submit quarterly progress reports on construction of treatment systems, process modifications, equipment acquisition, or other items specified in the Facility Plan beginning:.....**July 1, 2013**
7. Complete construction and startup of treatment system, process modifications, or equipment installation by:.....**October 1, 2014**

**The milestones must be completed by the date specified.** The permittee shall submit to the Secretary a written notice of compliance or noncompliance with each milestone by the date specified above. If the permittee is not in compliance with the milestone, the notice shall include the cause of any noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

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## **2.0 MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

### **2.1 Representative Sampling**

Samples taken in compliance with the monitoring requirements established under this permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

### **2.2 Monitoring Procedures**

Monitoring shall be conducted according to test procedures approved under ARSD §74:52:03:06, a.b.r. 40 CFR, Part 136, unless other test procedures have been specified in this permit.

### **2.3 Reporting of Monitoring Results**

Monitoring results shall be reported on a photocopy of the Emergency Discharge Monitoring Form located at the end of this permit and postmarked no later than the 28th day of the month following the discharge. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with Section 2.5 and submitted to the SDDENR and EPA at the following addresses:

original to: SD Department of Environment & Natural Resources  
Surface Water Quality  
PMB 2020  
Joe Foss Building  
523 East Capitol  
Pierre SD 57501-3182

copy to: US Environmental Protection Agency – Region VIII  
Planning and Targeting Program (ENF-PT)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

### **2.4 Reporting of Monitoring Results – Land Application**

Land application reporting requirements have been removed due to a permit modification prohibiting the land application of wastewater.

### **2.5 Signatory Requirements**

All applications, reports or information submitted to the Secretary shall be signed and certified.

1. All permit application forms shall be signed by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Secretary; and,
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of superintendent or equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may be either a named individual or any individual occupying a named position.)
3. If an authorization under 2.a above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Secretary.

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4. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**2.6 Additional Monitoring by the Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under ARSD §74:52:03:06, a.b.r. 40 CFR 136 or as specified in this permit, the results of this monitoring shall be used in determining compliance with this permit.

**2.7 Records Contents**

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The initials or names of the individuals who performed the sampling or measurements;
3. The dates analyses were performed;
4. The time analyses were initiated;
5. The initials or names of individuals who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used; and,
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

**2.8 Duty to Provide Information**

The permittee shall furnish to the Secretary, within a reasonable time, any information the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.

**2.9 Other Information**

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Secretary, it shall promptly submit such facts or information.

**2.10 Planned Changes**

The permittee shall give notice to the Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged, or could result in noncompliance with permit conditions.

**2.11 Retention of Records**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Secretary at any time. Data collected on site, copies of Discharge Monitoring Summary Form, and a copy of this permit must be maintained on site during the duration of the permitted activity.

## **2.12 Emergency and Noncompliance Reporting**

1. The permittee shall report any emergency related to this permit or permitted facility that may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours after becoming aware of the circumstances. The report shall be made to the Secretary at (605) 773-3351 during regular business hours, or to South Dakota Emergency Management at (605) 773-3231 any other time.
2. Instances of noncompliance, unanticipated bypasses, sanitary sewer overflows, and releases shall be reported to the Secretary at (605) 773-3351 by the first workday (8:00 a.m. - 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances.
3. A written submission shall also be provided within five days of becoming aware of the circumstances above. The written submission shall contain:
  - a. A description of the event and its cause;
  - b. The period of the event, including exact dates and times;
  - c. The estimated time the event is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the event.
4. The Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Surface Water Quality Program, South Dakota Department of Environment and Natural Resources, Pierre, (605) 773-3351.
5. Reports shall be submitted in accordance with Sections 2.3 and 2.5.

The permittee shall give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

## **2.13 Other Noncompliance Reporting**

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Section 2.3 are submitted. The reports shall contain the information listed in Section 2.12.

## **2.14 Permit Transfers**

This permit may be transferred to a new permittee if:

1. The current permittee notifies the Secretary at least 30 days in advance of the proposed transfer date; and
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them.

The Secretary will notify the existing and new permittee of his or her intent to transfer, modify, or revoke and reissue the permit based on the information received and other permit information.

### **3.0 COMPLIANCE REQUIREMENTS**

#### **3.1 Duty to Comply**

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

#### **3.2 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

#### **3.3 Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and treatment and control systems (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit or other conditions required by the Secretary upon permit issuance. This may include the maintenance of freeboard levels of lagoons or holding ponds. Proper operation and maintenance may also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### **3.4 Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **3.5 Inspection and Entry**

The permittee shall allow the Secretary or EPA, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act, any substances or parameters at any location.

#### **3.6 Removed Substances**

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard in accordance with applicable requirements of SDCL 34A-2, -6, and -11.

#### **3.7 Emergency Releases and Bypasses**

1. Emergency Releases and Anticipated Bypasses. Anticipated bypasses and releases causing violation of effluent limits are prohibited, unless the Secretary approves the anticipated bypass or release after considering its adverse effects and determines that it will meet the following conditions:
  - a. The bypass or release was unavoidable to prevent loss of life, threat to public health, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass or release, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment

should have been installed in the exercise of reasonable engineering judgment to prevent a bypass or release which occurred during normal periods of equipment downtime or preventive maintenance; and,

- c. The permittee submitted notices as required under paragraph 3 of this section.
2. Anticipated Bypass Not Causing Violations. The permittee may allow anticipated bypasses to occur which do not cause effluent limit violations, but only if for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 1 and 3 of this section.
3. Notice of Bypass or Emergency Release:
  - a. Anticipated bypass or release. If the permittee knows in advance of the need for a bypass or release, it shall submit prior notice at least 10 days before the date of the bypass or release.
  - b. Unanticipated bypass or release. The permittee shall submit notice of an unanticipated bypass or release as required under Section 2.12.

### **3.8 Sanitary Sewer Overflows**

1. Reporting. Overflows from the sanitary sewer collection system shall be reported to the Secretary at (605) 773-3351 as soon as possible, but no later than the first business day after becoming aware of the sanitary sewer overflow. Anticipated overflows shall be reported in advance, if possible. In addition to verbal notification, the permittee shall submit to the Secretary a written report in accordance with Section 2.12, paragraphs 3 and 4.
2. Sampling. Sanitary sewer overflows shall be sampled at the same or similar frequency and for the same parameters as required for permitted outfalls. The results shall be included with the written report required in paragraph 1.
3. Plan Development. In the event that the Secretary notifies the permittee of the need to develop a capacity, management, operation, and maintenance program in order to address, reduce, or eliminate the frequency of sanitary sewer overflows, the permittee shall submit such a plan to the Secretary. The plan shall, at a minimum, address the following areas:
  - a. Sewer management program: This program includes personnel organizational structure, training, communication information systems, noncompliance notification program, and other appropriate items;
  - b. Collection system operation program: This program includes operational budgeting, monitoring, safety, emergency preparedness and response, pump stations, operational recordkeeping, and other appropriate items;
  - c. Collection system maintenance program: This program includes maintenance budgeting, planned and unplanned maintenance; sewer cleaning; maintenance recordkeeping, parts and equipment inventory, and other appropriate items; and
  - d. Sewer system capacity evaluation: The capacity evaluation includes the following:
    1. System inventory (sewer locations, sizes, slopes, materials, age, condition, etc.);
    2. Identification of problem areas (overflows, surcharged lines, basement backups, etc.);
    3. Capacity evaluation of problem areas (utilizing flow and precipitation records, infiltration and inflow investigation, manhole and pipe inspections and televising, smoke and dye testing, and building inspections); and
    4. Sewer rehabilitation recommendations.

Upon the Secretary's approval of the plan, the permittee shall implement the plan.

### 3.9 Industrial Wastes

1. Each significant industrial user must be identified as to qualitative and quantitative characteristics of the discharge as well as production data. A significant industrial user is defined as an industrial user discharging to a publicly owned treatment works (POTW) that satisfies any of the following: (1) has a process wastewater flow of 25,000 gallons or more per average work day or contributes five percent or more of the average dry weather hydraulic or organic capacity of the municipal system receiving the waste; (2) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N or; (3) is determined by the Control Authority to have a reasonable potential to adversely impact the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
2. The permittee shall notify the Secretary of any new introductions by new or existing significant industrial users or any substantial change in pollutants from any significant industrial user. Such notice must contain the information described in paragraph 1 above and be forwarded no later than 60 days following the introduction or change.
3. Pretreatment Standards [ARSD §74:52:11:01, a.b.r. 40 CFR 403.5] developed pursuant to Section 307 of the Federal Clean Water Act require that under no circumstances shall the permittee allow the introduction of the following pollutants to the POTW from any source of nondomestic discharge:
  - a. Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, wastestreams with a closed cup flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit) using the test methods specified in ARSD §74:28:22:01, a.b.r. 40 CFR 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 standard units, unless the works are specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
  - d. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit);
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW;
  - i. Any pollutant which causes pass through or interference; and,
  - j. In addition to the general limits expressed above, more specific pretreatment limits have been promulgated for specific industrial categories under Section 307 of the Federal Clean Water Act (see ARSD, Chapter 74:52:10, a.b.r. 40 CFR Subchapter N, Parts 405 through 471, for specific information).

4. The permittee shall provide adequate notice to the Secretary of any substantial change in the volume or character of pollutants being introduced into the POTW by an industrial user. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of effluent to be introduced into the POTW; and,
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
5. The Secretary retains the right to take legal action against the industrial user and/or the permittee, in those cases where a permit violation has occurred because of the failure of an industrial user to discharge at an acceptable level.

**3.10 Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain coverage under a new permit. The permit application must be submitted at least 180 days before the expiration date of this permit. Periodically during the term of this permit and at the time of reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this permit.

**3.11 Availability of Reports**

Except for data determined to be confidential under ARSD §74:52:02:17, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of SDDENR. Permit applications, permits, and effluent data shall not be considered confidential.

**3.12 Property Rights**

The Secretary's issuance of this permit, adoption of design criteria, and approval of plans and specifications, does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties. The State does not warrant that the permittee's compliance with this permit, design criteria, approved plans and specifications, and operation under this permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The permittee is solely and severably liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, which may result from actions taken under the permit.

**3.13 Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**3.14 Reopener Provision**

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limits (and compliance schedules, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving waters applicable to this general permit are modified in such a manner as to require different effluent limits than contained in this permit.
2. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limits than contained in this permit.
3. Effluent Guidelines: Effluent limit guidelines are promulgated or revised for point sources covered by this permit;



4. Total Maximum Daily Load: Additional controls in the permit are necessary to implement a total maximum daily load approved by the Secretary and/or EPA.
5. Whole Effluent Toxicity: Whole effluent toxicity is detected in the discharge.
6. Noncompliance: The discharger is a significant contributor of pollution to waters of the state, presents a health hazard, or is in noncompliance with the conditions of the permit; or
7. Other Changes: Other conditions or standards change so that the discharge no longer qualifies for this permit, such as the permittee being designated as a major discharger, changes in necessary influent or effluent pollutant monitoring, additional industrial pretreatment requirements become applicable to the permittee, or other items.

### **3.15 Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause, including failure to comply with any provision of this permit or any condition imposed by the Secretary upon granting coverage under this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

#### **4.0 PENALTIES FOR NONCOMPLIANCE**

##### **4.1 Penalties for Violations of Permit Conditions**

Any person who violates a permit condition is in violation of the provisions of SDCL 34A-2-36, and is subject to penalties under SDCL 34A-2-75. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state. Except as provided in Section 3.6, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

##### **4.2 Penalties for Tampering**

Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state.

##### **4.3 Penalties for Falsification of Reports**

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state.

##### **4.4 Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude SDDENR from taking any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the federal Clean Water Act.

## EMERGENCY DISCHARGE MONITORING FORM

This form shall be used to summarize effluent monitoring information for discharges under this permit.

Permit Name: Town of Bison Outfall Number (circle one): 001N or 002N

Permit No.: SD0022411

Address: \_\_\_\_\_

Facility \_\_\_\_\_ Phone: \_\_\_\_\_

Contact: \_\_\_\_\_

Describe the events leading to the discharge, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance (use attachment if insufficient space): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Time and Date Emergency and Noncompliance Reporting notice given to SDDENR: \_\_\_\_\_

Describe any adverse effects, such as fish kills, etc.: \_\_\_\_\_

Duration of discharge (include start and end dates and times, and number of days): \_\_\_\_\_

\_\_\_\_\_

Total flow of discharge, million gallons: \_\_\_\_\_

### ANALYTICAL RESULTS

Parameter	Sample 1	Sample 2	Sample 3	Sample 4
Date and time of sample				
Flow Rate, MGD				
pH, standard units				
Water Temperature, °C				
Total Suspended Solids (TSS), mg/L				
Five Day Biochemical Oxygen Demand (BOD <sub>5</sub> ), mg/L				
Ammonia-Nitrogen (as N), mg/L				
<i>Escherichia coli</i> ( <i>E. coli</i> ), no./100 mL				

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Name (print): \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **LAND APPLICATION MONITORING FORM**

The land application monitoring form has been removed from this permit due to a permit modification prohibiting land application of wastewater.

Amended: **December 14, 2011**  
Effective: